

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRYAN ALLEN CARY,  
Plaintiff,

v.

K. FARRIS and DR. O.,  
Defendants.

\_\_\_\_\_ /

Case No.: 21-12665

Shalina D. Kumar  
United States District Judge

Curtis Ivy, Jr.  
United States Magistrate Judge

**ORDER REGARDING DEFENDANT DR. O**

Plaintiff named “Dr. O” as a defendant. Dr. O has not waived service of the summons and complaint and has not otherwise appeared in this matter. On June 13, 2022, the Court ordered Plaintiff to provide a full name for this defendant so that USMS can serve them. The due date for the full name was July 8, 2022. (ECF No. 9). Plaintiff did not respond to that Order with a name for Dr. O. The Court then ordered Plaintiff to show cause why “Dr. O” should not be dismissed. (ECF No. 10). Plaintiff timely responded to that order to show cause. He explained that he could not give the Court a full name because he was no longer housed at the prison where Dr. O treated him, that Dr. O no longer works at that prison, that he could not afford postage to mail the prison to ask for his name, and that he lacked sufficient time to get the full name before his show cause response deadline. (ECF No. 11).

Discovery has started as to Defendant Farris. Plaintiff now has discovery tools available to him to obtain the full name and correct address of Dr. O, including interrogatories, requests for production of documents, or subpoenas. Plaintiff is directed to use these tools to obtain the required information for Dr. O so that this defendant may be served. Plaintiff must provide the full name and address for this defendant on or before **February 10, 2023. Failure to comply with this Order, either by failing to respond at all or by failing to provide the required information, will result in a report and recommendation to dismiss Dr. O, without prejudice, for failure to serve him under Fed. R. Civ. P. 4(m) and/or failure to prosecute under Fed. R. Civ. P. 41(b).**

**IT IS SO ORDERED.**

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: January 3, 2023

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on January 3, 2023.

s/Kristen MacKay

Case Manager

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